

**Meeting of the Central Valley Flood Protection Board
September 19, 2008**

**Draft Staff Report
DWR Floodway Protection Section**

Item

Consider approval of Permit No. 18187 (Attachment A) to authorize existing walnut trees on the left (east) bank overflow area of the Sacramento River.

Applicant

William Herrod

Location

The project is located east of Grimes and south of Payne Road. (Sacramento River, Sutter County, Sacramento River see Attachment B).

Description

To authorize 13 existing walnut trees on the left (east) bank overflow area of the Sacramento River.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting.
- Reclamation District No. 70 has endorsed this application (Attachment C).

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

The Board, acting as the CEQA lead agency, has determined that the project is categorically exempt from CEQA under a Class 1 Categorical Exemption (CEQA Guidelines Section 15301h) covering maintenance of existing landscaping.

Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

Staff Recommendation

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

List of Attachments

- A. Permit
- B. Location maps and photos
- C. Reclamation District No. 70 endorsement

DRAFT

STATE OF CALIFORNIA
THE RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

PERMIT NO. 18187 BD

This Permit is issued to:

William Herrod
2746 South Meridian Road
Meridian, California 95957

To authorize 13 existing walnut trees on the left (east) bank overflow area of the Sacramento River. The project is located east of Grimes and south of Payne Road (Section 8, T14N, R1E, MDB&M, Reclamation District 70, Sacramento River, Sutter County).

NOTE: Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

(SEAL)

Dated: _____

Executive Officer

GENERAL CONDITIONS:

ONE: This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

TWO: Only work described in the subject application is authorized hereby.

THREE: This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

FOUR: The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

FIVE: Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

SIX: This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

SEVEN: It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

EIGHT: This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

NINE: The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

TEN: The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

ELEVEN: The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

TWELVE: Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

SPECIAL CONDITIONS FOR PERMIT NO. 18187 BD

THIRTEEN: The permittee is responsible for all liability associated with the herein permitted trees and shall defend and hold harmless the Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Reclamation District No. 70 from any liability or claim(s) of liability associated therewith.

FOURTEEN: The Central Valley Flood Protection Board, the State of California and/or any department(s) thereof and Reclamation District No. 70 shall not be held liable for damage(s) to the permitted encroachment(s) resulting from release(s) of water from reservoirs, flood fight, operation, maintenance, inspection, or emergency repair(s) of the flood control project works.

FIFTEEN: All trees shall be trimmed and maintained to provide 5 feet of vertical clearance above the ground surface.

SIXTEEN: The ground surface shall be kept clear of fallen trees, branches, and debris.

SEVENTEEN: After each period of high water, debris that accumulates at the site shall be completely removed from the floodway.

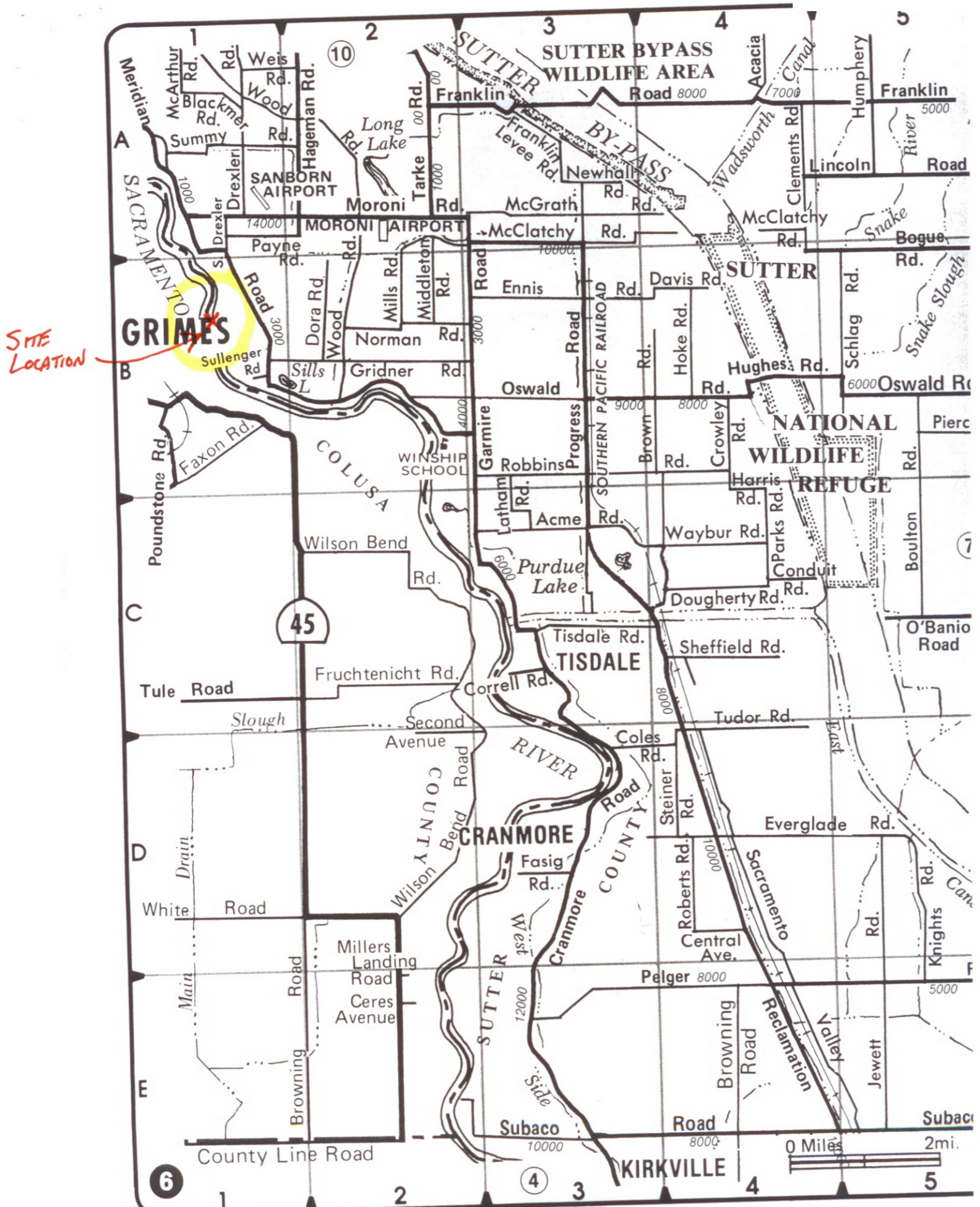
EIGHTEEN: Any tree, living or dead, that interferes with the successful execution, functioning, maintenance and/or operation of the adopted plan of flood control must be removed by the permittee at permittee's expense upon request by the Central Valley Flood Protection Board, Department of Water Resources and/or Reclamation District No. 70. If the permittee does not remove said tree(s) upon request, the Central Valley Flood Protection Board reserves the right to remove such at the permittee's expense.

NINETEEN: The permitted encroachment(s) shall not interfere with operation and maintenance of the

flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

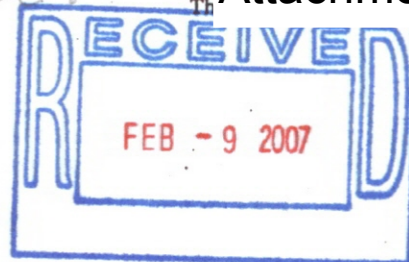
TWENTY: If any/all of the herein permitted trees are to be abandoned in the future, the permittee or successor shall abandon said tree(s) under direction of the central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and expense.

TWENTY-ONE: The permittee shall comply with all conditions set forth in the letter from the Department of the Army dated September XX, 2008, which is attached to this permit as Exhibit A and is incorporated by reference.



THE RECLAMATION BOARD

Application No. -18187
(For Office Use Only)



APPLICATION FOR A PERMIT

1. Description of proposed work: REQUESTING A PERMIT TO LEAVE THE 13
EXISTING WALNUT TREES ON THE WATERSIDE BERM OF
RECLAMATION DISTRICT 70 LEVEE. L.M. 10.73

2. Location: SUTTER County, in Section 8,
(N) (E)
Township: 15-N (S), Range 1-E (W), M.D.B.&M.

Assessors Parcel Number: 21-030-020

3. WILLIAM HERROD of 2746 SOUTH MERIDIAN ROAD
Name of Applicant Address
MERIDIAN CA 95957 530-696-2446
City State ZIP Code Telephone Number

FAX Number

4. Endorsement: (of Reclamation District)

We, the Trustees of RECLAMATION DISTRICT 70
District Name and Number
approve this plan, subject to the following conditions:

☐ Conditions listed on back of this form ☒ Conditions Attached ☐ No Conditions

<u>[Signature]</u> Trustee	<u>Feb 7-07</u> Date	<u>[Signature]</u> Trustee	<u>2-7-07</u> Date
<u>[Signature]</u>	<u>2-7-07</u>		
<u>[Signature]</u>	<u>2-7-07</u>		

5. Names and addresses of adjacent property owners sharing a common boundary with the land upon which the contents of this application apply. If additional space is required, list names and addresses on back of the application form or an attached sheet.

<u>JACK McLAUGHLIN</u> Name	<u>676 KING AVE</u> Address	<u>YUBA CITY, CA. 95991</u> ZIP Code
<u>VIOLET MILLER</u>	<u>2803 SOUTH MERIDIAN Rd</u>	<u>MERIDIAN, CA. 95957</u>

Reclamation District 70 conditions for Mr. William Herrod to leave existing walnut trees on the water side berm

1. The walnut trees are on the berm that Reclamation District 70 maintains, therefore the District will not be held responsible for any damage to the walnut trees caused by our maintenance activities, such as burning or spraying the levees or any other emergency or maintenance work.